

# WEST VIRGINIA LEGISLATURE

## 2017 REGULAR SESSION

**Introduced**

### **House Bill 2783**

BY DELEGATES RODIGHIERO, LYNCH, MOYE, THOMPSON,  
HICKS, MILLER, R., WESTFALL, MARCUM, BALDWIN AND  
ELDRIDGE

[Introduced March 3, 2017; Referred  
to the Committee on Government Organization then  
Finance.]

1 A BILL to amend and reenact §5A-10-3 of the Code of West Virginia, 1931, as amended; and to  
 2 amend said code by adding thereto a new section, designated §5A-10-4a, all relating to  
 3 authorizing the Real Estate Division of the Department of Administration to develop  
 4 policies and procedures for the leasing, at no cost, of unoccupied buildings and unused  
 5 property owned by the state to private job-creating businesses; authorizing its executive  
 6 director to lease, at no cost, unoccupied buildings and unused property owned by the state  
 7 to private job-creating businesses; setting forth conditions; and requiring rule-making.

*Be it enacted by the Legislature of West Virginia:*

1 That §5A-10-3 of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted; and that said code be amended by adding thereto a new section, designated §5A-10-  
 3 4a, all to read as follows:

**ARTICLE 10. REAL ESTATE DIVISION.**

**§5A-10-3. Powers and duties of Real Estate Division.**

1 The Real Estate Division has the following powers and duties:

- 2 (1) To provide leasing, appraisal and other real estate services to state spending units;
- 3 (2) To ensure that the purchase of real estate and all contracts for lease are based on  
 4 established real estate standards and fair market price;
- 5 (3) To develop and implement minimum lease space standards for the lease of any  
 6 grounds, buildings, office or other space required by any spending unit of state government;
- 7 (4) To develop and implement minimum standards for the selection and acquisition, by  
 8 contract or lease, of all grounds, buildings, office space or other space by a spending unit of state  
 9 government except as otherwise provided in this article;
- 10 (5) To establish and maintain a comprehensive database of all state real estate contracts  
 11 and leases;
- 12 (6) To develop policies and procedures for statewide real property management;
- 13 (7) To maintain a statewide real property management system that has consolidated real

14 property, building and lease information for all departments, agencies and institutions of state  
15 government;

16 (8) To develop and maintain a centralized repository of comprehensive space needs for  
17 all state departments, agencies and institutions of state government, including up-to-date space  
18 and resource utilization, anticipated needs and recommended options;

19 (9) To provide statewide policy leadership and coordinate master planning to guide and  
20 organize capital asset management; ~~and~~

21 (10) To provide assistance to all state departments, agencies or institutions in acquiring,  
22 leasing and disposing of real property; and

23 (11) To develop policies and procedures for the leasing at no cost of unoccupied buildings  
24 and unused property owned by the state to private job-creating businesses.

**§5A-10-4a. Leasing of unoccupied buildings and used property owned by the state by  
executive director; conditions; rule-making.**

1 (a) The executive director is authorized to lease, at no cost, in the name of the state, any  
2 grounds, buildings, or other property owned by any department, agency or institution of state  
3 government: to private job-creating businesses: *Provided*, That the private business pay all costs  
4 associated with the maintenance, upkeep, remodeling, utility services, insurance and all other  
5 costs associated with those buildings and other properties pursuant to a lease agreement with  
6 terms and conditions acceptable to the executive director.

7 (b) The executive director shall propose rules for legislative approval in accordance with  
8 article three, chapter twenty-nine-a of the code to implement this section.

NOTE: This purpose of this bill is to authorize the Real Estate Division of the Department of Administration to develop policies and procedures for the leasing at no cost of unoccupied buildings and unused property owned by the state to private job-creating businesses. The bill authorizes its executive director to lease, at no cost, unoccupied buildings and unused property owned by the state to private job-creating businesses. The bill sets forth conditions and requires rule-making.

Strike-throughs indicate language that would be stricken from a heading or the present law

and underscoring indicates new language that would be added.